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REMARKS

Reconsideration of this application is respectfully requested. Applicants reserve the right to prosecute any withdrawn or otherwise unclaimed subject matter found within this application in a subsequently filed continuation or divisional application.

Restriction Requirement

The Examiner has listed five groups of claims, Groups I-V, and requires Applicants to elect a single group for continued prosecution. The groups are summarized below:

Group I: claims 1-10, 15-24, and 37-39 allegedly drawn to a sustained-release oral dosage form comprising a subunit, classified in class 424, subclass 464;

Group II: claims 11-14, allegedly drawn to a method of treating pain (method of using), classified in class 424, subclass 464;

Group III: claims 25-32, allegedly drawn to a sustained-release oral dosage form comprising a first subunit and a second subunit, classified in class 424, subclass 464;

Group IV: claims 33-36, allegedly drawn to a method of treating pain (method of using) classified in class 424, subclass 464; and,

Group V: claims 40-44, allegedly drawn to an oral dosage form comprising an opioid analgesic in sustained-release form, classified in class 424, subclass 464.

As the Examiner requires election of a single group in order to be fully responsive to this restriction requirement, Applicants hereby elect Group I with traverse. Applicants do not believe this restriction requirement is properly made, at least with respect to the composition claims (Groups I, III and V). Applicants disagree that the burden upon the Examiner would be undue, as alleged. While not alleging that the claimed compositions are obvious variants of one another, Applicants respectfully maintain that the compositions are similar in nature and, while the burden may be slightly higher by examining all of these claims as a single group, that burden would hardly qualify as undue. As such, Applicants respectfully request withdrawal of the restriction between Groups I, III and V and that these claims be examined together in this application.

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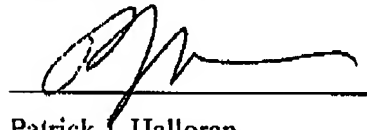
The Examiner has also required election of a species and identification of the claims encompassing the elected invention. Applicants hereby elect the opioid analgesic morphine, which is specifically named in claims 2 and 3, but also encompassed by claims 1-10, 15-32, and 37-44 of the claims of Groups I, III and V.

CONCLUSIONS

Applicants believe the claims are in condition for allowance and respectfully request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the undersigned with any comments and / or questions.

Respectfully submitted,

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